

## **FOURTH REGULAR SESSION**

Johnstown, NY

April 9, 2012

Roll Call - Quorum Present

Supervisors: Argotsinger, Born, Bradt, Callery, Capek, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Lauria, MacVean, Ottalagano, Ponticello, Potter, Waldron,  
TOTAL: Present: 17 Absent: 3 (DiGiacomo, Kinowski, Ottuso)

Chairman Gendron called the meeting to order at 1:00 p.m., with Supervisors DiGiacomo, Kinowski and Ottuso absent upon roll call. Following the Pledge of Allegiance to the Flag, Chairman Gendron asked if there was anyone present from the public who wished to address the Board. There being no one, Chairman Gendron called for review of Communications and Reports.

### **COMMUNICATIONS**

1. Resolution from Schoharie County Board of Supervisors to Fulton County Board of Supervisors, dated 3/16/12,  
Subj: Resolution Calling on all Counties to Unite to Bring About Real and Meaningful Mandate Relief in New York State.  
(Supervisor Fagan requested a copy of Communication No. 1)
2. Resolution from Essex County Board of Supervisors to Fulton County Board of Supervisors, dated 3/5/12,  
Subj: Resolution Calling on all Counties to Unite to Bring About Real and Meaningful Mandate Relief in New York State.
3. Resolution from Hamilton County Board of Supervisors to Fulton County Board of Supervisors, dated 3/1/12,  
Subj: Resolution Calling on all Counties to Unite to Bring About Real and Meaningful Mandate Relief in New York State.
4. Letter from American Rivers to Board of Supervisors, dated 3/6/12,  
Subj: Notification, as a party to the Great Sacandaga Lake Licensing Settlement, that New York Rivers United (NYRU) has assigned to American Rivers all rights and obligations arising from NYRU's status as signatory of the relicensing settlement for the Great Sacandaga Lake hydropower project.  
(Supervisors Gendron, Fagan, Howard and Waldron requested a copy of Communication No 4)

### **REPORTS**

A. Activities Report from NYS Fish and Wildlife Management Board

### **LATE REPORTS:**

L-A 2011 Financial Statements – Industrial Development Agency

## **UPDATES FROM STANDING COMMITTEES**

***Finance:*** Chairman Fagan stated that he received an e-mail with a report attached from Administrative Officer/Clerk of the Board Jon Stead regarding the enacted 2012-13 New York State Budget and its impact on counties. The report was prepared by the NYS Association of Counties and NYS County Executives Association.

## **REPORTS OF SPECIAL COMMITTEES**

***Inter-County Legislative Committee of the Adirondacks:*** Supervisor Kemper stated that at the last meeting, the Committee heard a presentation on all Veterans' services available in New York State. In addition, the Saratoga County Administrator gave a presentation to the Committee regarding the State budget impacts on counties. Saratoga County reduced its workforce by 44 employees, took over administration of its health insurance program, eliminated proposed road projects, eliminated all funding to outside agencies, and is currently in the process of evaluating its nursing home. Saratoga County receives reimbursement of \$166.00 per day per nursing home bed, but it costs \$320.00 per day per bed to operate the nursing home. Saratoga officials stated that the County will not to pay for the proposed State 3% salary increase for district attorneys, unless the State reimburses the County for the increase.

***Resource Conservation and Development District:*** Supervisor Lauria advised that minutes of the last meeting are on file in the Board of Supervisors Office.

***Soil and Water Conservation District Board:*** Supervisor Ottalagano stated that the field service season has started and tile has been ordered. Order forms for trees and shrubs have been received. Soil and wetland maps for the FMCC Community Garden project are being developed.

## **RESOLUTIONS:**

***No. 141 (Urging the Adirondack Park Agency to Appeal the Recent Court Decision Classifying Lows Lake as "Wilderness"):*** Supervisor Howard explained that the court decision could expand Adirondack Park Agency's jurisdiction, which would economically impact the areas. Such a court decision could potentially impact the Great Sacandaga Lake and other lakes in the Adirondack Park as well.

Supervisor Kemper explained that the Adirondack Park Agency originally proposed to classify lands under Low Lakes as part Wilderness, part Forest Preserve designations, which would ban motorboats for lakes. APA decided not to pursue this option, but environmentalists objected and started the court proceeding. The Court overruled the APA decision not to pursue the reclassification.

Supervisor Johnson commented that there are places where canoeists are fighting to access private land they do not own. He said this was not fair to private landowners.

Supervisor Howard said that environmentalists want to have a "tree museum" and it will make it impossible for private landowners to live in the Adirondack Park.

**No. 148 (Resolution Authorizing Advertisement for Bids for Transportation to Herkimer BOCES Pre-K Summer Program):** Supervisor Howard said that in his opinion, the entire PHC Transportation Program was completely out of control, and the cost is ridiculous. He said that the County is forced to pay for the program, with no voice on who should attend the program. He said he would be opposing this resolution, because the State refuses to correct the mandated program.

In response to a question from Supervisor Johnson, Mr. Stead explained that all counties in New York State are mandated to operate a Physically Handicapped Children Program. This program is one of the top five unfunded mandates.

Supervisor Howard commented that regardless of whether or not parents have the ability to transport their children to the program site, they are not required to. Some transportation routes can cost as much as \$350.00 per day per child.

Supervisor Johnson said he would vote in favor of the resolution because people with handicapped children do need the assistance at times.

Chairman Gendron opened the public hearing on Proposed Local Law “B” Creating Alternate Member Position on the Fulton County Planning Board. There being no one present from the public who wished to address the Board on this topic, Chairman Gendron announced he would keep the public hearing open for a portion of the meeting.

**No. 157 (Awarding Bid for Purchase of a Companion Animal Sheltering Storage Trailer):** Supervisor Howard said he was opposed to this purchase because it is a waste of money, and the County should not be getting involved in animal sheltering.

**Item 166 (Requesting Special Home Rule Legislation Authorizing the County of Fulton to Impose a Hotel/Motel Occupancy Tax):** Supervisor Handy asked if this new tax will generate revenue and what the revenue would be used for.

Chairman Gendron responded that the tax will generate revenue.

Mr. Stead explained that this Home Rule legislation request is already introduced in the State Legislature. It will be the same standardized legislation as is in many other counties throughout the State. The revenue will be placed in a reserve account and can only be used for tourism or economic development activities. The Board of Supervisors will determine what tourism or economic development programs to spend the revenue on.

Supervisor Ottalagano asked if the tax revenue could be used for programs other than those sponsored by the Chamber of Commerce, such as Fulton County Museum activities for example.

Mr. Stead reiterated that this revenue can be used for whatever the Board of Supervisors decides it should be used for, as long as it promotes tourism or economic development.

Supervisor Kemper asked if there was much likelihood that the State Legislature will approve this Home Rule request, because they have said there will be no new taxes.

Mr. Stead said he did not know if the Legislature would construe this request as a new tax, because hotel occupancy taxes are well-established throughout the State.

In response to a question from Supervisor Howard, Mr. Stead said that the collected hotel/motel occupancy tax revenue would be collected by the County Treasurer's Office.

Supervisor Callery said he met with the Fulton County Chamber of Commerce President and asked her questions about the proposed merger of Fulton County and Montgomery County Chambers of Commerce. She explained that any Fulton County monetary contribution will be spent on promoting tourism in Fulton County only. He said that several other counties in New York State already impose a bed tax, so in his opinion, this would be beneficial for Fulton County as well.

Supervisor Handy said he talked with several local merchants (i.e. tannery owners) who expressed concern that any of their business prospects would have to pay the hotel/motel occupancy tax as well.

In response to a question from Supervisor Kemper, Mr. Stead advised that the Chamber of Commerce estimates that Fulton County will generate between \$80,000.00 to \$120,000.00 if the tax is implemented.

There being no one present to address the Board, Chairman Gendron closed the public hearing on Proposed Local Law "B" Creating Alternate Member Position on the Fulton County Planning Board. The Board then took action on Resolution 136 adopting said local law.

A motion was offered by Supervisor Fagan to waive the Rules of Order to take action on Late Resolution 170. The motion was seconded by Supervisor Ottalagano and unanimously carried.

***No. 170 (Authorizing Purchase of Two Patrol Vehicles for Use in the Sheriff's Department):***

Mr. Stead explained that historically, the County has purchased patrol vehicles through NYS Contract; however, no State contract has been awarded yet this year. It takes months after a patrol vehicle is ordered to get it built and outfitted with necessary equipment. Some counties are bidding the vehicles and allowing other counties in the State to "piggyback" on the bid, which is what is being proposed in Resolution 170. Mr. Stead added that the vehicle 'build out' date is the end of April, 2012.

Supervisor Callery asked the County Attorney if he should abstain from voting on this resolution, because his brother currently works representing Chrysler. County Attorney Spring said there would be no conflict of interest.

Upon a motion by Supervisor Argotsinger, seconded by Supervisor Handy and unanimously carried, the Board entered into Executive Session at 1:55 p.m. to discuss Collective Bargaining.

Upon a motion by Supervisor Handy, seconded by Supervisor Waldron and unanimously carried, the Board returned to Regular Session at 2:10 p.m. and took action on Resolution 153 (Approving Stipulation of Settlement with the Fulton County Sheriff's Office employees Alliance Regarding Recoupment of Withholding from Health Insurance Declination Payments).

**OTHER BUSINESS:**

Supervisor Ottalagano advised that the Fulton County Museum will be holding an ice cream social and spaghetti dinner event in May to raise revenue and urged Supervisors to attend.

There being no further business, the meeting adjourned at 2:10 p.m., upon a motion by Supervisor Lauria, seconded by Supervisor Callery and unanimously carried.

*Certified:* \_\_\_\_\_ *Date:* \_\_\_\_\_  
*JON R. STEAD*  
*Administrative Officer/Clerk of the Board*

## **Resolution No. 135**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

### **RESOLUTION APPROVING BROADALBIN-PERTH LIONS CLUB CHICKEN BARBECUE EVENTS AT THE "GATEWAY TO THE ADIRONDACKS" VISITORS CENTER**

WHEREAS, Facilities Use Applications have been received from the Broadalbin-Perth Lions Club requesting permission to sponsor two (2) chicken barbecue events at the "Gateway to the Adirondacks" Visitors Center; and

WHEREAS, the Broadalbin-Perth Lions Club will arrange for cleanup, as well as provide for sufficient insurance protection coverage as required by County policy; and

WHEREAS, the County Attorney has approved said application; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds, the Broadalbin-Perth Lions Club be and hereby is authorized to utilize the "Gateway to the Adirondacks" Visitors Center for chicken barbecue events on Friday, May 25, 2012 and Friday, August 31, 2012, contingent upon issuance of the appropriate County permit by the County Attorney; and, be it further

RESOLVED, That the County Attorney do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Superintendent of Highways and Facilities, Fulton County Chamber of Commerce, Broadalbin-Perth Lions Club, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 136**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2012 ENTITLED,  
“A LOCAL LAW CREATING AN ALTERNATE MEMBER POSITION  
ON THE FULTON COUNTY PLANNING BOARD”

WHEREAS, proposed Local Law “B” of 2012 entitled, “A Local Law Creating an Alternate Member Position on the Fulton County Planning Board” has laid upon the desks of the Board of Supervisors for the required period; and

WHEREAS, a public hearing was held on April 9, 2012, after due posting thereof, and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law No. 2 of 2012 be and hereby is adopted, as attached hereto and made a part hereof; and, be it further

RESOLVED, That the Clerk of the Board is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That the Clerk of the Board and County Attorney do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Department of State, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor KEMPER and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**COUNTY OF FULTON**  
**LOCAL LAW NO. 2 OF 2012 ENTITLED**  
**“A LOCAL LAW CREATING ALTERNATE MEMBER POSITION**  
**ON THE FULTON COUNTY PLANNING BOARD”**

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON AS FOLLOWS:

**Section 1: Intent:** The intent of this Local Law is to provide for the appointment of an alternate member to serve on the Fulton County Planning Board.

**Section 2: Declaration of Policy:** It is sometimes difficult to maintain a quorum on the Planning Board because members are ill, on extended vacation or have a conflict of interest regarding a specific matter before such Board. In such instances, official business cannot be conducted, which may delay or impede adherence to required timelines. The use of an Alternate Member in such instances is hereby authorized pursuant to the provisions of this Article.

**Section 3: Definitions:**

- A. **“Planning Board”** means the Fulton County Planning Board, established by the Fulton County Board of Supervisors pursuant to Resolution #105 of 1968 and in accordance with Section 239-c of the General Municipal Law of New York State.
- B. **“Member”** means an individual appointed by the Board of Supervisors to serve on the Fulton County Planning Board, pursuant to the provisions of Section 239-c of the General Municipal Law of New York State.
- C. **“Alternate Member”** means an individual appointed by the Board of Supervisors to serve on the Fulton County Planning Board when a Member is unable to participate in deliberations on an application or matter before the Board, as provided herein.

**Section 4: Appointment of Alternate Member:**

- A. The Board of Supervisors may appoint one (1) Alternate Member to the Fulton County Planning Board. The Alternate Member shall only serve when Members are absent or are unable to participate in deliberations on an application or matter before the Planning Board.
- B. The Alternate Member of the Planning Board shall be appointed by the Board of Supervisors for a term of three (3) years. All terms shall expire on December 31 in the third year after the appointment.



## **Resolution No. 137**

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

### **RESOLUTION APPROPRIATING MONIES FOR THE RECORDS STORAGE ROOM PROJECT (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies a Records Storage Room Project at the Fort Johnstown Building; and

WHEREAS, Resolution 113 of 2012 awarded a bid to R&B Construction, LLC, for the demolition work component of said project; and

WHEREAS, it is necessary to appropriate funds for the remaining work related to said project in the 2012 Adopted Budget; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-795-9950.900 Transfer to Capital Plan Projects  
To: H-085-1622.100 Centralized Records Storage Facility  
Sum: \$79,450.00

and, be it further

RESOLVED, That the County Treasurer, Planning Director and Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Superintendent of Highways and Facilities, County Clerk, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 138**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

### **RESOLUTION AWARDING BIDS FOR VARIOUS HIGHWAY CONSTRUCTION MATERIALS FOR USE IN THE DEPARTMENT OF HIGHWAYS AND FACILITIES**

WHEREAS, Resolution 45 of 2012 authorized advertisement for bids for various highway construction materials for use in the Department of Highways and Facilities, and said bids were opened on March 7, 8 and 14, 2012, respectively; now, therefore be it

RESOLVED, That bids for various Construction Materials and Lubricants for use by the Fulton County Highway Department, as placed on file in the Purchasing Office and identified by specification number below, be and hereby are accepted and awarded, and that the County, towns and villages in Fulton County may purchase the materials needed (when appropriate) from the plant whose bid price, plus hauling cost, indicates that the supplies will be delivered to the job site at the lowest price:

- D 3310.1 Acrylic Water Borne Pavement Markings - Seneca Pavement Markings
  - D 5110.1 Bridge Repair – Stephen Miller General Contractors
  - D 5110.2 Pneumatically Projected Concrete – R&B Construction, LLC
  - D 5110.3 Ready Mix Concrete – Clemente Latham Concrete, Fulmont Ready Mix, Miller’s Ready Mix Concrete
  - D 5110.4 Plant Mixed Patching Material – Callanan Industries, Cushing Stone Co., Hanson Aggregates, Pallette Stone Corp.
  - D 5110.5 Corrugated Metal & Polyethylene Pipe – Lane Enterprises, Chemung Supply Corp.
  - D 5110.6 Guide Railing – Chemung Supply Corp.
  - D 5110.7 Vegetation Control – Allen Chase Enterprises
  - D 5112.1 Coarse Aggregates; Crushed Stone/Crushed Gravel – Callanan Industries, Carver Sand & Gravel, Cranesville Block, Cushing Stone, Delaney Crushed Stone Products, Hanson Aggregates, Maple Avenue Sand & Gravel, Pallette Stone Corp., Peckham Materials Corp, Rifenburg Construction
  - D 5112.2 Asphalt Concrete – Callanan Industries, Cushing Stone Co., Hanson Aggregates, Pallette Stone Corp.
  - D 5112.3 Hot Mix Paving Co Rd 107 @ \$66.69 per ton – Callanan Industries  
Hot Mix Paving Co Rd 122 @ \$69.84 per ton – Callanan Industries
  - D 5112.4 Cold-In Place Recycling Type I – Gorman Brothers, Reclamation LLC
  - D 5112.5 Cold Planing – Callanan Industries, Killian Construction, Kubricky Construction, Peckham Road Corp., Villager Construction
  - D 5112.6 In-Place Road Base Stabilization – Gorman Brothers, Reclamation LLC
  - D 5112.7 Cold In-Place Recycling Hammermill Method – Bell & Flynn
  - D 5112.8 Hot In-Place Asphalt Recycling – Highway Rehabilitation Corp.
  - D 5142.1 Abrasives Snow & Ice Control – Carver Sand & Gravel, Delaney Crushed Stone Products, Maple Avenue Sand & Gravel, Rifenburg Construction
  - DM 5130.1 Lubricants – RH Crown, Farrell Oil Co., Polsinello Fuels
- and be it further

**Resolution No. 138 (Continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 139**

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING THE 2012 CAPITAL PLAN RELATED TO  
CERTAIN ROAD CONSTRUCTION PROJECTS

WHEREAS, the 2012 Capital Plan identifies pavement related projects on certain County roads; and

WHEREAS, the bid received for a paving project on County Road 107 in the Town of Perth was higher than what was budgeted; and

WHEREAS, bids received for paving projects on County Road 131A in the Town of Johnstown and County Road 123 in the Town of Northampton were lower than what was budgeted;

WHEREAS, the Superintendent of Highways and Facilities requests transferring the excess funds from County Road 131A and County Road 123 projects to complete the entire 2.10 miles of paving planned for County Road 107, as planned; now, therefore be it

RESOLVED, That the 2012 Capital Plan be and hereby is amended accordingly; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From:

D-825-5112.419 Road Construction-Co Road 131A	\$36,000.00
D-825-5112.422 Road Construction-Co Road 123	<u>16,000.00</u>
	\$52,000.00

To:

D-825-5112.418 Road Construction-Co Rd 107	\$52,000.00
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and, be it further

RESOLVED, That the County Treasurer and Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 140**

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING A GRANT FROM EMPIRE  
STATE DEVELOPMENT FOR THE TRYON TECHNOLOGY  
PARK AND INCUBATOR CENTER PROJECT (2012 CAPITAL PLAN)

WHEREAS, Resolution 283 of 2011 endorsed Fulton County's Redevelopment Plan for the former Tryon Campus; and

WHEREAS, Resolution 345 of 2011 authorized a New York State Consolidated Funding Application requesting grant funding in the amount of \$3,900,000.00 for any and all eligible costs to successfully implement Fulton County's Redevelopment Plan for the former Tryon Campus; and

WHEREAS, NYS Empire State Development Corporation awarded Fulton County a Regional Economic Development Council Capital Fund Grant for development and implementation of the Tryon Technology Park and Incubator Center Project, as follows:

REDCCF Grant	\$2,000,000.00
County Local Match (in-kind services)	<u>1,140,000.00</u>
Total Project:	\$3,140,000.00

and,

WHEREAS, Empire State Development Corporation will withhold 10% of the grant award as retainage until all project work is completed; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a grant agreement between the County of Fulton and NYS Empire State Development Corporation for the Tryon Technology Park and Incubator Center Project, in the amount of \$2,000,000.00 with said local match to be provided by \$1,140,000.00 of in-kind paving work on the County Highway 107 access route to said project; and be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Center for Regional Growth, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 141**

Supervisor BRADT offered the following Resolution and moved its adoption:

### **RESOLUTION URGING THE ADIRONDACK PARK AGENCY TO APPEAL THE RECENT COURT DECISION CLASSIFYING LOWS LAKE AS “WILDERNESS”**

WHEREAS, Lows Lake is a man-made lake created by the construction of two large concrete dams, located within the Towns of Colton and Clifton, St. Lawrence County, and the Town of Long Lake, Hamilton County, within the Adirondack Park; and

WHEREAS, private parties own an island and portions of the shoreline of Lows Lake; and

WHEREAS, private land owners use motorized water vessels, motorized vehicles, and floatplanes to access their private lands upon Lows Lake; and

WHEREAS, a recent court decision held that the entire bed and waters of Lows Lake is classified as Wilderness, the most restrictive land use category which prohibits the use of all motorized vehicles; and

WHEREAS, Adirondack Park Agency jurisdiction is extended one-eighth of a mile onto private lands adjoining state lands classified as wilderness without State legislative action; and

WHEREAS, if the Lows Lake decision is allowed to stand, it could threaten other Adirondack water bodies with similar attempts to classify water bodies adjoining private lands as wilderness, eliminating motorized access, and further extending Adirondack Park Agency jurisdiction onto those private lands without legislative action; now, therefore be it

RESOLVED, That the Board of Supervisors hereby urges the Adirondack Park Agency to vigorously pursue an appeal of the Lows Lake court decision; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Cuomo, Senator Charles Schumer, Congressman Bill Owens, Senator Hugh Farley, Assemblyman Marc Butler, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, DEC Commissioner Joe Martens, DEC Region 5 Director Robert Stegemann, Adirondack Park Agency, Adirondack Park Local Government Review Board, Intercounty Legislative Committee of the Adirondacks, St. Lawrence County Legislature, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 142**

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE  
PURCHASE OF A RECYCLING TRUCK FOR USE IN THE SOLID WASTE  
DEPARTMENT (2012 CAPITAL PLAN)

WHEREAS, the 2012 Capital Plan identifies funding for the purchase of a new recycling truck for use in the Solid Waste Department; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a Recycling Truck for use in the Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, May 16, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)



## **Resolution No. 143**

Supervisor BRADT offered the following Resolution and moved its adoption:

### **RESOLUTION AWARDING BID FOR THE PURCHASE OF A BULLDOZER FOR USE IN THE SOLID WASTE DEPARTMENT (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies a Bulldozer for use in the Solid Waste Department; and

WHEREAS, Resolution 47 of 2012 authorized advertisement for bids for said Bulldozer and two (2) bids were received; and

WHEREAS, the Solid Waste Director and Purchasing Agent recommend awarding the bid to Nortrax; now, therefore be it

RESOLVED, That the net bid, in an amount of \$278,000.00, as submitted by Nortrax, of Clifton Park, NY, for the purchase of a John Deere 850K Crawler Bulldozer (with trade-in) for use in the Solid Waste Department be and hereby is awarded; they being the lowest responsible bidder in accordance with Specification No. 2012-86-01, dated 21 March 2012; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, All Bidders, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 144**

Supervisors BRADT, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

### **RESOLUTION RECLASSIFYING A MAINTENANCE MECHANIC POSITION TO SKILLED LABORER IN THE DEPARTMENT OF SOLID WASTE**

WHEREAS, a Maintenance Mechanic position has been vacant since a resignation occurred in August 2011; and

WHEREAS, due to a hiring freeze implemented per Resolution 255 of 2011, the position remained unfilled in 2011; and

WHEREAS, at the request of the Director of Solid Waste, the Personnel Director has reviewed the job duties and responsibilities of said position and has agreed that it should be reclassified to Skilled Laborer to more accurately reflect the duties of said position; now, therefore be it

RESOLVED, That upon the recommendation of the Director of Solid Waste, Personnel Director and Committees on Economic Development & Environment, Personnel and Finance, effective April 9, 2012, one (1) full-time Maintenance Mechanic position (Union-Job Group M-12; one year permanent rate of \$16.70 per hour) be and hereby is reclassified to Skilled Laborer (Union-Job Group M-8a; one year permanent rate of 14.70 per hour) in the Solid Waste Department; and be it further

RESOLVED, That the Personnel Director and Director of Solid Waste do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Payroll Division, Director of Solid Waste, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 145**

Supervisors BRADT, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

### **RESOLUTION RECLASSIFYING A MOTOR EQUIPMENT OPERATOR POSITION TO HEAVY EQUIPMENT OPERATOR IN THE DEPARTMENT OF SOLID WASTE**

WHEREAS, a Motor Equipment Operator in the Solid Waste Department has been performing Heavy Equipment Operator duties on a regular basis; and

WHEREAS, at the request of the Director of Solid Waste, the Personnel Director has reviewed the job duties and responsibilities of the position and has determined that it should be reclassified to Heavy Equipment Operator to more accurately reflect the duties of said position; now, therefore be it

RESOLVED, That upon the recommendation of the Director of Solid Waste, Personnel Director and Committees on Economic Development & Environment, Personnel and Finance, one (1) Motor Equipment Operator position (Union-Job Group M-12; one year permanent rate of \$16.70 per hour) be and hereby is reclassified to Heavy Equipment Operator (Union-Job Group M-13; one year permanent rate of 17.28 per hour) in the Solid Waste Department, effective April 9, 2012; and be it further

RESOLVED, That the Personnel Director and Director of Solid Waste do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Payroll Division, Director of Solid Waste, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 146**

Supervisors BORN AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION URGING THE UNITED STATES CONGRESS TO  
REPEAL A PORTION OF THE UNIVERSAL SERVICE FUND  
SURCHARGE THAT PROVIDES FREE CELLULAR TELEPHONE  
SERVICE TO “INCOME ELIGIBLE” INDIVIDUALS**

WHEREAS, Federal laws are in place that authorize the Federal Communication Commission to administer a “Universal Service Fund”, which is funded through the collection of “Universal Connectivity Charge” surcharges on telephone bills; and

WHEREAS, through collection of this surcharge, Telecommunications companies are subsidized to provide taxpayer-funded cellular telephone services to individuals deemed “income-eligible”. “Income Eligible” qualifications are incomes up to 135% of the federal poverty level; those who receive Medicaid, Food Stamps, Supplemental Security Income, federal public housing, Temporary Assistance for Needy Families, or free lunch through the federal school lunch program; and

WHEREAS, it is estimated that annual expenditures on Universal Service Fund programs have increased 86% during the last decade; now, therefore be it

RESOLVED, That the Board of Supervisors hereby urges Congressional representatives to introduce legislation to repeal the portion of the Universal Service Fund authorizing statutes that require free cellular service to individuals through federal subsidies; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Paul Tonko, Congressman William Owens, Senator Hugh Farley, Assemblyman Marc Butler, All Counties, Federal Communications Commission Chairman Julius Genachowski and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 147**

Supervisor BORN offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING IMMUNIZATION GRANT FUNDS FROM  
THE NYS DEPARTMENT OF HEALTH (2012-2013)

WHEREAS, the NYS Department of Health has offered grant funds for immunization services in the Public Health Department; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and the NYS Department of Health for Immunization Action Plan grant funds, in an amount not to exceed \$30,000.00, for the period April 1, 2012 through March 31, 2013; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 148**

Supervisors BORN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR  
TRANSPORTATION TO HERKIMER BOCES PRE-K SUMMER PROGRAM  
(CHILDREN WITH HANDICAPPING CONDITIONS TRANSPORTATION PROGRAM)**

WHEREAS, Resolution 371 of 2011 awarded bids for the Children with Handicapping Conditions Transportation Program for transportation services in 2012; and

WHEREAS, the Public Health Director has advised that a new route for transportation of children to the summer preschool program at Herkimer County BOCES is necessary; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids from vendors for transportation to the Herkimer County BOCES summer pre-kindergarten program for the Children with Handicapping Conditions Transportation Program, in Ilion, NY (and according to further specifications which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, May 16, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

TOTAL: Ayes: 412 (14) Nays: 53 (3) (Supervisors Callery, Howard and Kemper)  
Absent: 86 (3) (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 149**

Supervisor BORN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING WRITE-OFF OF CERTAIN EQUIPMENT FROM  
THE FIXED ASSETS INVENTORY (SOCIAL SERVICES DEPARTMENT)**

WHEREAS, in accordance with the Fulton County Purchasing and Audit Guidelines, the Fulton County Treasurer is responsible for maintaining a list of all fixed assets in the possession of the County of Fulton; and

WHEREAS, the Commissioner of Social Services has not been able to account for certain equipment identified on the Fixed Assets Inventory, as follows:

<u>ID Number</u>	<u>Item</u>
6309	Chair

and

WHEREAS, the Committee on Human Services has reviewed the explanation of the Commissioner relating to said item and recommends deleting it from the fixed assets inventory; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Human Services, the County Treasurer be and hereby is directed to remove the equipment identified herein from the Fixed Assets Inventory; and, be it further

RESOLVED, That the Commissioner of Social Services and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Commissioner of Social Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 150**

Supervisor BORN offered the following Resolution and moved its adoption:

### **RESOLUTION DISCONTINUING THE CENTRAL ASSESSMENT UNIT (SOCIAL SERVICES DEPARTMENT)**

WHEREAS, Resolution 17 of 1985 created the Central Assessment Unit to implement a uniform assessment and placement service for long term health care services in Fulton County; and

WHEREAS, the NYS Office of Children and Family Services is planning the takeover of administration of the Medicaid program, including the provision of Long Term Care Services through Mandatory Managed Care; and

WHEREAS, when this change occurs, Medicaid recipients will access assessment and authorization for Long Term Care Services from private insurance companies; now, therefore be it

RESOLVED, That the Central Assessment Unit be, and hereby is, discontinued; and, be it further

RESOLVED, That the OFA Director and the Commissioner of Social Services do each and every other thing necessary to facilitate this Resolution; and be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Commissioner of Social Services, Director of Office for Aging, Personnel Director, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)



## Resolution No. 151

Supervisors BORN, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION TRANSFERRING TWO REGISTERED NURSE (RN) POSITIONS  
FROM THE OFFICE FOR THE AGING TO THE DEPARTMENT OF  
SOCIAL SERVICES AND RECLASSIFYING ONE RN POSITION TO PART-TIME

WHEREAS, New York State is in the process of reorganizing the Medicaid and Long Term Care Program; and

WHEREAS, in anticipation of said reorganization, the Commissioner of Social Services and Office for the Aging Director propose transferring two Registered Nurse (RN) positions in the Office for the Aging to the Department of Social Services to provide nurse assessments for the Long Term Care Program administered by DSS; and

WHEREAS, based upon the anticipated nurse assessment caseload, the Commissioner of Social Services recommends reclassifying one of the RN positions from full-time (40 hours) to part-time (17½ hours); now, therefore be it

RESOLVED, That upon the recommendation of the Commissioner of Social Services, Office for the Aging Director and Committees on Human Services, Personnel and Finance, two (2) Registered Nurse (RN) positions in the Office for the Aging be and hereby are transferred to the Department of Social Services, effective April 16, 2012; and, be it further

RESOLVED, That upon the recommendation of the Commissioner of Social Services and Committees on Human Services, Personnel and Finance, one vacant transferred RN position be and hereby is reclassified to part-time (17½ hours per week, no benefits); effective April 16, 2012; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From:

A-505-6010.414 DSS-Contracts	\$54,964.00
------------------------------	-------------

To:

A-505-6010.113 DSS-Central Assessment	\$52,164.00
A-505-6010.402 DSS-Travel	2,500.00
A-505-6010.420 DSS-Misc	<u>300.00</u>
	\$54,964.00

and, be it further

**Resolution No. 151 (Continued)**

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Decrease A-083-2085.000 OFA-Pvt Grant	\$ 90,245.00
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Appropriation Accounts:

Decrease A-685-7610.100 OFA-P/R	85,965.00
Decrease A-685-7610.190 OFA-Uniform Allowance	450.00
Decrease A-685-7610.402 OFA-Travel	<u>3,830.00</u>
	\$ 90,245.00

and, be it further

RESOLVED, That the Social Services Commissioner, Office for the Aging Director and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, Office for the Aging Director, Personnel Director, CSEA Nurses Unit, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 152**

Supervisors BORN AND HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION RECLASSIFYING ONE ACCOUNT CLERK POSITION TO ACCOUNT CLERK/TYPIST IN THE SOCIAL SERVICES DEPARTMENT**

WHEREAS, an Account Clerk position in the Department of Social Services has recently become vacant due to a successful completion of a probationary period; and

WHEREAS, reclassification of the said Account Clerk position to Account Clerk/Typist would benefit the Department by providing flexibility in the assignment of duties; and

WHEREAS, at the request of the Commissioner of Social Services, the Personnel Director reviewed the job duties and responsibilities of the position and agreed that the position should be reclassified to Account Clerk/Typist; now, therefore be it

RESOLVED, That upon the recommendation of the Commissioner of Social Services, Personnel Director and Committees on Human Services and Personnel, effective immediately, one (1) full-time Account Clerk position (Union-Job Group A-3; start rate of \$11.92 per hour) be and hereby is reclassified to Account Clerk/Typist (Union-Job Group A-3; start rate of \$11.92 per hour) in the Social Services Department; and, be it further

RESOLVED, That the Personnel Director and Commissioner of Social Services do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Commissioner of Social Services, Payroll Division, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 153**

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING STIPULATION OF SETTLEMENT BETWEEN THE  
COUNTY OF FULTON, FULTON COUNTY SHERIFF AND FULTON COUNTY  
SHERIFF'S OFFICE EMPLOYEES ALLIANCE REGARDING RECOUPMENT  
OF WITHHOLDING FROM HEALTH INSURANCE DECLINATION PAYMENTS**

WHEREAS, the County of Fulton and the Fulton County Sheriff's Office Employees Alliance are parties to a collective bargaining agreement; and

WHEREAS, the County and the Sheriff's Office Employees Alliance desire to settle a grievance regarding recoupment of withholding from health insurance declination payments; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Stipulation of Settlement between the County of Fulton and the Fulton County Sheriff's Office Employees Alliance, as attached hereto and made a part hereof; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Sheriff, Sheriff's Office Employees Alliance, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## ***STIPULATION OF SETTLEMENT***

***By and Between  
The County of Fulton and  
The Fulton County Sheriff  
And  
The Fulton County Sheriffs' Office Employees Alliance***

WHEREAS, the County of Fulton and the Fulton County Sheriff ("County") and the Fulton County Sheriffs' Office Employees Alliance ("Alliance") are signatories to a Collective Bargaining Agreement; and

WHEREAS, pursuant to the provisions of the Collective Bargaining Agreement, an employee may waive the receipt of health insurance and receive a payment in lieu thereof; and

WHEREAS, the County failed to consider said declination amount as income; and

WHEREAS, the County entered into a settlement with the Internal Revenue Service reimbursing the IRS for federal withholding, Social Security and Medicare, which should have been deducted from the employees represented by the Alliance for 2008 and 2009; and

WHEREAS, the County sought to recoup the amount paid to the IRS pursuant to the Recoupment Procedure contained in the Collective Bargaining Agreement between the County and the Alliance; and

WHEREAS, the Alliance filed a grievance with respect to the amount that the County was entitled to recoup; and

WHEREAS, the parties hereto wish to enter into a settlement of said grievance.

NOW, as and for a complete Stipulation of Agreement to the grievance referenced herein, the parties hereto agree as follows:

1. As more fully set forth in Exhibit A annexed hereto, members of the Alliance shall reimburse the County the amount set forth in Exhibit A. Said amounts represent the additional federal withholding that an individual employee would have owed if the declination amount was reported as income, as well as the Social Security and Medicare payments.
2. Employees may reimburse the County by one of the following options:  
By payroll deduction subject to the limitation of no more than five percent (5%) of each of the employee's pay checks; OR if the employee is not on the payroll, the employee shall return the monies owed in installments determined by the Personnel Director; OR the employee may elect to pay back said monies by the reduction of vacation accruals, personal leave, or accrued compensatory time.

3. Each party hereto acknowledges that they have read the Stipulation of Settlement, fully understand it, and have had all questions that they may have in regard thereto been answered. Each party enters into this Stipulation of Settlement of their own free will and have not been coerced into doing so.
4. The Alliance has been represented during the negotiation and preparation of this Agreement by the New York State Deputy Sheriff's Association (Thomas Ross). The County has been represented during the negotiation and preparation of this Agreement by Roemer Wallens Gold & Mineaux LLP (William M. Wallens, Esq., of counsel).
5. Each party executing this Stipulation further represents that they do not suffer from any mental disease or defect or under the influence of drugs or alcohol at the time of execution, which renders them incompetent to understand and execute the Stipulation. This Stipulation constitutes the entire agreement between the parties and it may not be amended unless agreed to in writing and executed with the same formality as the original.
6. This Stipulation may be signed in counterparts and transmitted by facsimile, electronic mail or other electronic delivery, and each counterpart, when signed, shall have the efficacy of a signed original. Photographic copies of such signed counterparts may be used in lieu of the originals for any purpose.
7. This Stipulation shall be interpreted in accordance with the laws of the State of New York, no matter where it may come up for enforcement.

Dated:

**COUNTY OF FULTON AND THE FULTON**

Dated:

**FULTON COUNTY SHERIFFS' OFFICE  
EMPLOYEES ALLIANCE**

***EXHIBIT “A”***

	<u>2008</u> <u>Declination</u>	<u>Fed</u> <u>Increase</u>	<u>Social</u> <u>Security</u>	<u>Medicare</u>	<u>TOTAL</u> <u>Settlement</u>
Barnholt, Julie	\$1,000.00	\$150.00	\$62.00	\$14.50	\$226.50
Brown, Barto	\$ 562.50	\$ 82.00	\$34.88	\$8.16	\$125.04
Brown, Tami	\$1,000.00	\$150.00	\$62.00	\$14.50	\$226.50
Eschler, James	\$1,000.00	\$250.00	\$62.00	\$14.50	\$326.50
Frederick, Barbara	\$1,000.00	\$150.00	\$62.00	\$14.50	\$226.50
Hayner, Teresa	\$1,000.00	\$150.00	\$62.00	\$14.50	\$226.50
Mettler, Fred	\$1,000.00	\$250.00	\$62.00	\$14.50	\$326.50
Retersdorf, Edward	\$1,000.00	\$ 90.00	\$62.00	\$14.50	\$166.50
Sweet, Eric	\$ 562.50	\$ 55.00	\$34.88	\$ 8.16	\$ 98.04
Uhlinger, Corey	\$1,000.00	\$250.00	\$62.00	\$14.50	\$326.50
Watrobski, Peter	\$1,000.00	\$150.00	\$62.00	\$14.50	\$226.50
Weaver, Wayne	\$1,000.00	\$150.00	\$62.00	\$14.50	\$226.50
	<u>2009</u> <u>Declination</u>	<u>Fed</u> <u>Increase</u>	<u>Social</u> <u>Security</u>	<u>Medicare</u>	<u>TOTAL</u> <u>Settlement</u>
Barnholt, Julie	\$1,500.00	\$225.00	\$93.00	\$21.75	\$339.75
Blair, Gregory	\$1,125.00	\$165.00	\$69.75	\$16.31	\$251.06
Brown, Barto	\$1,500.00	\$225.00	\$93.00	\$21.75	\$339.75
Brown, Tami	\$ 125.00	\$ 15.00	\$ 7.75	\$ 1.81	\$24.56
Eschler, James	\$1,500.00	\$375.00	\$93.00	\$21.75	\$489.75
Frederick, Barbara	\$1,500.00	\$225.00	\$93.00	\$21.75	\$339.75
Hayner, Teresa	\$1,500.00	\$225.00	\$93.00	\$21.75	\$339.75
Mettler, Fred	\$1,500.00	\$375.00	\$93.00	\$21.75	\$489.75
Retersdorf, Edward	\$1,500.00	\$158.00	\$93.00	\$21.75	\$272.75
Siegle, Edward	\$1,250.00	\$313.00	\$77.50	\$18.13	\$408.63
Sweet, Eric	\$ 875.00	\$135.00	\$54.25	\$12.69	\$201.94
Watrobski, Peter	\$1,500.00	\$225.00	\$93.00	\$21.75	\$339.75
Uhlinger, Corey	\$1,500.00	\$375.00	\$93.00	\$21.75	\$489.75
Weaver, Wayne	\$1,500.00	\$225.00	\$93.00	\$21.75	\$339.75
Weiderman, Brynn	\$ 250.00	\$ 62.50	\$15.50	\$ 3.63	\$ 81.63

## **Resolution No. 154**

Supervisor HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION ADOPTING THE FULTON COUNTY WORKPLACE VIOLENCE PREVENTION PROGRAM**

WHEREAS, NYS Labor Law, Article 2, Section 27-b, requires public employers to develop and implement a program to prevent workplace violence; and

WHEREAS, said Law further requires that every employer with at least 20 full-time, permanent employees develop and implement a written workplace violence prevention program for its workplace; and

WHEREAS, Resolution 79 of 2012 adopted a Fulton County Workplace Violence Prevention Policy Statement, and the Personnel Director has prepared a Workplace Violence Prevention Program, as required by said State law; now, therefore be it

RESOLVED, That by this Resolution, the Fulton County Board of Supervisors hereby adopts a Fulton County Workplace Violence Prevention Program, as attached hereto and made a part hereof; and, be it further

RESOLVED, That the Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, All Department Heads and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)



## **FULTON COUNTY WORKPLACE VIOLENCE PREVENTION PROGRAM**

**POLICY STATEMENT:** Fulton County is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Fulton County property will be thoroughly investigated and appropriate action will be taken. Individuals who engage in this behavior may be removed from Fulton County's property and are subject to disciplinary and/or personnel action up to and including termination, consistent with Fulton County policies, rules and collective bargaining agreements, Civil Service Law, and/or referral to law enforcement authorities for criminal prosecution. The Board of Supervisors, officials, department heads, staff, volunteers, vendors, contractors, consultants, and others, who do business with the County are expected to maintain a working environment free from violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property and to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. Fulton County has identified response personnel that include a member of management and an employee representative. If appropriate, Fulton County will provide counseling services or referrals for employees.

All Fulton County personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Additionally, personnel are encouraged to report behavior that they reasonably believe poses a potential for workplace violence.

**DEFINITIONS:** Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, or Fulton County's ability to provide services to the public.

## **INITIAL EVALUATION AND DETERMINATION OF WORKPLACE VIOLENCE**

**RISKS:** Fulton County determines that the following are some of the factors or situations in County workplaces that might place employees at risk:

- Duties that involve the handling or exchange of monies
- Duties that involve mobile workplace assignments
  - Working with unstable or volatile persons in health care, probation, social services or criminal justice settings.
- Working in community-based settings.
- Working in rural or sparsely populated areas.
- Working in a poorly lit environment.

## **METHODS FULTON COUNTY WILL USE TO PREVENT INCIDENTS OF WORKPLACE VIOLENCE:**

Security staff is located at the Department of Social Services and also on the first floor of the County Office Building.

- All County employees shall wear County-issued identification badges.
- Panic buttons are used for several County departments, including but not limited to, the Department of Motor Vehicles, County Treasurer's Office, District Attorney's Office, and the Probation Office. Panic buttons shall be reviewed and tested annually for proper operation.
- Several County departments are locked and secured preventing the general public from access unless they are authorized or accompanied by a Fulton County employee. These departments include, but are not limited to: the Department of Social Services, the District Attorney's Office, the County Treasurer's Office, the Personnel Department, and the Probation Office.

**REPORTING OF INCIDENTS:** Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any County employee. Workplace violence should be promptly reported to the supervisor or one in authority as well as completing and filing the Incident Report Form (Appendix A) with the Director of Personnel. The Director of Personnel will contact the Workplace Violence Advisory Team. Additionally, County employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence. It is important that all employees take this responsibility seriously to effectively maintain a safe working environment.

**Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately.**

## **RESPONSIBILITIES:**

### **Elected Officials and Department Heads**

Elected officials and department heads shall be responsible for the implementation of this policy. The responsibility includes dissemination of this policy to all employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all administration and supervisors are aware of their responsibilities under this policy through internal communication and training.

### **Supervisory Staff**

Each employee designated with supervisory responsibility (hereinafter “Supervisor”) is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report, to the Director of Personnel, any complaint of workplace violence made to him/her and any other incidents of workplace violence which he/she becomes aware or reasonably believes to exist.

### **Director of Personnel**

The Director of Personnel is responsible for ensuring new employees have a copy of the Workplace Violence Prevention Program and appropriate training. The Director of Personnel will also be responsible for annually disseminating this policy to County personnel, as well as posting the policy appropriately throughout County buildings and locations.

The Director of Personnel will assist Department Heads and the Workplace Violence Advisory Team in responding to workplace violence; and consulting with, as necessary, counseling services to secure professional intervention.

The Director of Personnel (or designated department heads) will offer periodic (annual) opportunities for training in the prevention and awareness of workplace violence.

### **The Workplace Violence Advisory Team**

The Workplace Violence Advisory Team will consist of the Director of Personnel, the Fire Coordinator/Civil Defense Director, the Sheriff (or Sheriff’s designee), the Department Head (where the incident arose), the County Attorney, and a Union Representative (as applicable).

This team will assist in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; assessing the potential problem of workplace violence at its site; assessing the County’s readiness for dealing with workplace violence; evaluating incidents to prevent future occurrences; and utilizing prevention intervention and interviewing techniques in responding to workplace violence.

**CONFIDENTIALITY:** The County shall maintain the confidentiality of investigations of workplace violence to the fullest extent possible. The County will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that safety and well being of County employees would be served by such action.

**RETALIATION:** Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action may be subject to discipline up to and including termination, and referral to law enforcement in aggravated circumstances.

## **APPENDIX A**

### **FULTON COUNTY WORKPLACE VIOLENCE INCIDENT REPORT**

Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights or expression, or disrupts the workplace, or Fulton County's ability to provide services to the public.

A reportable violent incident is defined as any physical assault, threatening behavior or verbal abuse in any location where an employee performs a work-related duty whether directly involved or observed. Complete this form and forward the original to: The Director of Personnel, Fulton County Personnel Department, 1 E. Montgomery Street, Johnstown, NY 12095.

Victim's Name or Individual Reporting Incident: \_\_\_\_\_

Job Title: \_\_\_\_\_

Address: \_\_\_\_\_

Home (or contact) Phone: \_\_\_\_\_

Incident Date: \_\_\_\_\_

Incident Time: \_\_\_\_\_

Incident Location: \_\_\_\_\_

Work Location (if different): \_\_\_\_\_

Type of Incident: ☐ Verbal ☐ Physical ☐ Other  
Specifics:

---

Were injuries sustained: ☐ Yes ☐ No

If yes, please specify your injuries and the location of any treatment:

---

Was Law Enforcement contacted? ☐ Yes ☐ No

Did the police respond to the incident: ☐ Yes ☐ No

What Police Department: \_\_\_\_\_

Was a police report filed: ☐ Yes ☐ No Report Number: \_\_\_\_\_

Was your supervisor notified: ☐ Yes ☐ No

Supervisor's Name and Title: \_\_\_\_\_

Was any action taken by Employer: (specify) \_\_\_\_\_

Aggressor/Assailant's Name/Address/Age (if known): \_\_\_\_\_

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Briefly describe the incident: \_\_\_\_\_

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Did the incident involve a weapon: ☐ Yes ☐ No Specify: \_\_\_\_\_

Were you alone when the incident occurred: ☐ Yes ☐ No

Did anyone witness the incident: ☐ Yes ☐ No

If yes, please list witness(es) name, address (if known):

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Did you have reason to believe an incident might occur: ☐ Yes ☐ No

Why: \_\_\_\_\_

Has this type or similar type incident(s) happened to you or your co-workers previously?

☐ Yes ☐ No Specify: \_\_\_\_\_

Have you had any counseling or support since the incident: ☐ Yes ☐ No

Specify: \_\_\_\_\_

Was the aggressor involved in previous incidents that you are aware of:

☐ Yes ☐ No Specify: \_\_\_\_\_

Has corrective action been taken: ☐ Yes ☐ No

Specify: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Date of Report

Signature of Individual Filing Report

**COUNTY OF FULTON**

**WORKPLACE VIOLENCE PREVENTION PROGRAM  
ACKNOWLEDGEMENT**

(To be placed in the Employee's personnel file)

\_\_\_\_\_  
I hereby acknowledge that I have received, read and understand the County of Fulton Workplace Violence Prevention Program and agree to review any changes or modifications to this policy.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Resolution No. 155**

Supervisor WALDRON offered the following Resolution and moved its adoption:

### **RESOLUTION AMENDING RESOLUTION 91 OF 2012, WHICH APPOINTED MEMBERS TO THE FULTON COUNTY TRAFFIC SAFETY BOARD**

WHEREAS, Resolution 91 of 2012 appointed Adam Schwabrow, City of Johnstown, to the Traffic Safety Board; and

WHEREAS, it has come to the attention of the Board of Supervisors that State law governing Traffic Safety Board membership limits the number of residents that can be appointed from any one city; and

WHEREAS, because there are already three members on the Traffic Safety Board who reside in the City of Johnstown, Mr. Schwabrow cannot serve at this time; now, therefore be it

RESOLVED, That Resolution 91 of 2012, which appointed members to the Fulton County Traffic Safety Board, be and hereby is amended to rescind the appointment of Adam Schwabrow, of the City of Johnstown; and, be it further

RESOLVED, That all other terms and conditions in Resolution 91 of 2012 shall remain in full force and effect; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Traffic Safety Board, Adam Schwabrow and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## Resolution No. 156

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING 2011 HAZARDOUS MATERIALS GRANT FROM THE  
NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES  
AND AUTHORIZING PURCHASES THEREFROM  
(FIRE COORDINATOR/CIVIL DEFENSE DIRECTOR)

WHEREAS, Fulton County has been awarded a 2011 Hazardous Materials Grant from the NYS Division of Homeland Security and Emergency Services, in an amount of \$125,000.00; and

WHEREAS, the Fire Coordinator/Civil Defense Director proposes to use said funds for the following:

	<u>Cost</u>
<u>Contractual:</u>	
(4) Training Sessions for Use of First Detector Instrument	\$ 11,400.00
Training Overtime Reimbursement to Paid Fire Departments	<u>9,870.50</u>
	\$ 21,270.50
<u>Equipment</u>	
(2) Dry Erase Boards	534.00
Rainwise Weather Log & Atmospheric Station	5,679.00
BW Gas Alert Ammonia Detector and Accessories	2,296.70
Entry Link Diversity Camera System	20,044.00
(12) Hazardous Materials PPE Suits	16,200.00
Gas Badge Pro Chlorine Monitor & Accessories	4,795.80
(20) SR65M Interoperable Communications Portable Radios	10,180.00
(20) XPR6550 Motorola Interoperable Communications Radios	<u>44,000.00</u>
	\$103,729.50

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement with the NYS Division of Homeland Security and Emergency Services for 2011 Hazardous Materials grant funds, in an amount of \$125,000.00; and, be it further

RESOLVED, That upon the recommendation of the Fire Coordinator/Civil Defense Director and Committees on Public Safety and Finance, the Fire Coordinator/Civil Defense Director is hereby authorized to utilize 2011 Hazardous Materials grant funds for purposes and purchases herein identified, at a cost not to exceed \$125,000.00; and, be it further



**Resolution No. 156 (Continued)**

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

A-083 3306.001 Civil Defense SHSP	\$125,000.00
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Appropriation Accounts:

A-385 3645.201 Civil Def SHSP Equipment	\$103,729.50
A-385 3645.401 Civil Def SHSP Contractual	<u>21,270.50</u>
	\$125,000.00

and, be it further

RESOLVED, That the Chairman of the Board and Fire Coordinator/Civil Defense Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fire Coordinator/Civil Defense Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 157**

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BID FOR THE PURCHASE OF A COMPANION  
ANIMAL SHELTERING STORAGE TRAILER (100% GRANT FUNDS)**

WHEREAS, Resolution 84 of 2012 allocated 2010 Companion Animal Sheltering grant funds; and

WHEREAS, Resolution 85 of 2012 authorized advertisement for bids for a storage trailer to purchased with said grant funds and two (2) bids were received; now, therefore be it

RESOLVED, That the net bid, in an amount of \$11,470.00, as submitted by Versatile Trailer Sales, of Gansevoort, NY, for the purchase of a Companion Animal Sheltering Storage Trailer be and hereby is awarded, as reviewed and recommended by the Fire Coordinator/Civil Defense Director and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2012-38-01, dated 13 February 2012; and, be it further

RESOLVED, That said cost be a charge against A-385-3645.202 Civil Def-CASE-Equip.; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fire Coordinator/Civil Defense Director, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

TOTAL: Ayes: 345 (13) Nays: 120 (4) ( Supervisors Argotsinger, Howard, Kemper and Lauria) Absent: 86 (3) (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 158**

Supervisor WALDRON offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BIDS FOR FOODSTUFFS AND OTHER SUPPLIES FOR  
USE IN THE FULTON COUNTY CORRECTIONAL FACILITY

RESOLVED, That bids, as submitted and placed on file in the Office of the Purchasing Agent, for the purchase of foodstuffs and other supplies for use by the Fulton County Correctional Facility, effective May 1, 2012 through August 31, 2012, be and hereby are awarded to vendors as follows:

<u>Vendor</u>	<u>Items</u>	<u>Total Bid Estimate</u>
Sysco Foods	Frozen Foods	\$20,149.31
Halfmoon, NY	Refrigerated Foods/Dry Goods	29,934.11
 Bimbo Foods	 Bread and Rolls	 \$ 6,038.75
Albany, NY		

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Correctional Facility, Sheriff, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 159**

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF VIDEO TELECONFERENCING  
EQUIPMENT VIA FORMAL QUOTES IN LIEU OF FORMAL COMPETITIVE BIDDING  
(SHERIFF'S DEPARTMENT)

WHEREAS, Resolution 90 of 2012 authorized advertisement for sealed bids for Video Teleconferencing Equipment scheduled for purchase in the 2012 Capital Plan; and

WHEREAS, the equipment component of the total project cost is estimated to be under formal competitive bidding thresholds; now, therefore be it

RESOLVED, That pursuant to NYS Purchasing Law and the Fulton County Purchasing and Audit Guidelines, Resolution 90 of 2012, which authorized advertisement for bids for Video Teleconferencing Equipment for use in the Sheriff's Department, be and hereby is rescinded; and, be it further

RESOLVED, That the Sheriff is hereby authorized to seek formal written quotes for said Video Teleconferencing Equipment, in accordance with the Fulton County Purchasing and Audit Guidelines; and, be it further

RESOLVED, That the Sheriff and Purchasing Agent do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Correctional Facility, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor POTTER and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 160**

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING ADDITIONAL STOP-DWI AND  
DRUG COURT FUNDS (SHERIFF'S DEPARTMENT)**

WHEREAS, among other things, Resolution 53 of 2012 authorized a contract between the STOP-DWI Program and the Sheriff's Department for reimbursement of overtime patrol expenses, in an amount of \$21,560.00; and

WHEREAS, the 2012 Adopted Budget identifies only \$14,000.00 in revenue for said service; and

WHEREAS, the Sheriff's Department will receive \$8,935.00 for Drug Court services; and

WHEREAS, the Budget Director recommends that revenue from both sources be budgeted in the Sheriff's Reimbursement for Services account; now, therefore be it

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Decrease A-081-0599.000 Appr Fund Balance	\$ 7,000.00
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Revenue Accounts:

Increase A-083-1520.000 Sheriff's Reimbursement for Services	\$29,935.00
Decrease A-083-2617.000 Stop DWI Fines	14,000.00

Appropriation Accounts:

A-305-3110.111 Stop DWI/Drug Court	\$8,935.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 161**

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE WEIGHTS AND MEASURES DEPARTMENT THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR PETROLEUM PRODUCTS TESTING PROGRAM (2012-2013)**

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement with the NYS Department of Agriculture and Markets for the Petroleum Products Quality Testing Program, effective April 1, 2009 through March 31, 2014, in a yearly reimbursement amount of \$3,330.00 to the County of Fulton for 2012-2013; and, be it further

RESOLVED, That said agreement is subject to the approval of the County Attorney; and, be it further

RESOLVED, That the Director of Weights & Measures do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Director of Weights & Measures, NYS Department of Agriculture and Markets, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board

Seconded by Supervisor JOHNSON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 162**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BIDS FOR PAPER AND PRINTING SUPPLIES FOR  
USE IN THE INFORMATION SERVICES/PRINTING DEPARTMENT**

WHEREAS, Resolution 54 of 2012 authorized advertisement for bids for paper and printing supplies for use in the Information Services/Printing Department and two (2) bids were received; now, therefore be it

RESOLVED, That the net bids, as hereinafter indicated, be and hereby are awarded for lump sum purchases, they being the lowest responsible bidders in accordance with Specification No. 2012-25-01, dated February 16, 2012:

WB Mason Office Supplies, Albany, NY:

Category A - White Xerographic Paper \$19,872.00

Hummel's Office Supply, Mohawk, NY:

Category F: NCR Paper 1,564.80

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services/Printing Director, Printing Division, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 163**

Supervisor FAGAN offered the following Resolution and moved its adoption:

### **RESOLUTION AWARDING BID FOR THE PURCHASE OF A WIDE FORMAT SCANNER FOR USE IN THE REAL PROPERTY TAX SERVICES AGENCY (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies a Wide Format Scanner for use in the Real Property Tax Services Agency; and

WHEREAS, Resolution 56 of 2012 authorized advertisement for bids for said equipment and two (2) bids were received; now, therefore be it

RESOLVED, That the net bid, in an amount of \$12,512.40, as submitted by Plan & Print Systems, of Syracuse, NY, for the purchase of a Wide Format Scanner be and hereby is awarded, as reviewed and recommended by the Real Property Tax Services Agency Director and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2012-12-01, dated 22 February 2012; and, be it further

RESOLVED, That that the County Treasurer be and hereby is directed to make the following transfer:

From: A-795-9950.900 Transfer to Capital Plan Projects  
To: A-125-1355.200 R/P Tax Svcs-Equipment  
Sum: \$12,512.40

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Agency Director, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)



## **Resolution No. 164**

Supervisor FAGAN offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE COUNTY OF FULTON AND THE NYS DEPARTMENT OF TAXATION AND FINANCE FOR ELECTRONIC TRANSMISSION OF REAL PROPERTY DATA**

WHEREAS, the NYS Department of Taxation and Finance is in the process of replacing its Transfer Report Form with a computer generated form; and

WHEREAS, the Real Property Tax Services Agency currently participates in a "Sales Net" program, which requires manually entering handwritten property transfer data on a paper form for submittal to the State; and

WHEREAS, the new computer-generated form (RP-5217-PDF) will eliminate the handwritten form and allow for bar coding of data; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the County of Fulton and the NYS Department of Taxation and Finance for electronic transmission of real property data via ORPT Form RP-5217-PDF, effective immediately and continuing until either party terminates said agreement; and, be it further

RESOLVED, That said agreement is subject to the approval of the County Attorney; and, be it further

RESOLVED, That the Real Property Tax Services Agency Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, RPTSA Director, NYS Department of Taxation and Finance and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 165**

Supervisor FAGAN offered the following Resolution and moved its adoption:

### **RESOLUTION DESIGNATING USE OF NYS CONTRACT AS THE COUNTY BASIC BID CONTRACT FOR THE PURCHASE OF COUNTY CELLULAR TELEPHONE SERVICE**

WHEREAS, several Fulton County departments use pagers and cellular telephones for purposes of daily operations; and

WHEREAS, the Purchasing Agent has researched pager and cellular telephone service options and has determined that designating one basic bid contract is the most cost-effective and efficient method; and

WHEREAS, Resolution 515 of 2002 established a policy of designating one basic bid contract for all county pagers and cellular telephone service; now, therefore be it

RESOLVED, That upon the recommendation of the Purchasing Agent and Committee on Finance, Verizon Wireless (State OGS Contract PS63766) be and hereby is designated as the "Basic Bid Contract" for all County cellular telephones and pagers, effective July 1, 2012 through June 30, 2017; and, be it further

RESOLVED, That the Public Health Department and Department of Highways and Facilities be and hereby are allowed to use a local provider for pager services, due to reception problems within their respective buildings; and, be it further

RESOLVED, That the Purchasing Agent do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Department Heads, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## **Resolution No. 166**

Supervisor FAGAN offered the following Resolution and moved its adoption:

### **RESOLUTION REQUESTING SPECIAL HOME RULE LEGISLATION AUTHORIZING THE COUNTY OF FULTON TO IMPOSE A HOTEL/MOTEL OCCUPANCY TAX**

WHEREAS, Resolution 416 of 2011 requested the County's State representatives introduce special Home Rule legislation to permit enactment of a hotel/motel occupancy tax in Fulton County; and

WHEREAS, the appropriate Home Rule legislation has now been introduced, in the form of Senate Bill S.6616 and Assembly Bill A.9463, to impose said hotel/motel occupancy tax; now, therefore be it

RESOLVED, That by this Resolution, the Fulton County Board of Supervisors requests State legislative approval of Home Rule legislation S.6616 and A.9463 to grant the County of Fulton authority to impose a hotel/motel occupancy tax in Fulton County, at a rate of 4 percent per each night accommodation, to be dedicated to promotion of tourism development, economic development and other directly related and supporting activities; and, be it further

RESOLVED, That the Chairman of the Board, as appropriate, be and hereby is authorized to sign a "Home Rule Request" and related documentation to impose a hotel/motel occupancy tax; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Hugh Farley, Assemblyman Marc Butler, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution and agency who may further the purport of this Resolution.

Seconded by Supervisor POTTER and adopted by the following vote:

TOTAL: Ayes: 442 (16) Nays: 23 (1) (Supervisor Handy) Absent: 86 (3)  
(Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 167**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PAYMENT OF THE BOND ANTICIPATION NOTE  
FOR THE RHCF SPRINKLER SYSTEM PROJECT (2010 CAPITAL PLAN)**

WHEREAS, Resolution 151 of 2011 authorized issuance of serial bonds of the County, in the principle amount of \$704,290.00, to finance the cost of the RHCF Sprinkler System Project; and

WHEREAS, the 2012 Adopted Budget contains an appropriation of \$111,784.00 in anticipation of paying the minimum annual payment and renewing said bond Anticipation Note (BAN) for the balance; and

WHEREAS, the County Treasurer and Committee on Finance now recommend paying the Bond Anticipation Note in full, in a total amount of \$711,784.04, using excess Intergovernmental Transfer funds and Capital Improvement Reserve funds; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From: A-505-6100.401 DSS Medicaid - Upper Payment Limit  
To A-795-9961.700 Contribution To RHCF Enterprise Fund  
Sum: \$358,884.04

From: A-082-0883.800 Capital Improvement Reserve  
To A-795-9961.700 Contribution to Enterprise Fund  
Sum: \$241,116.00

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue:

Increase EH-083-5031.000 Contribution From General Fund	\$600,000.04
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Appropriation:

Increase EH-845.9730.600 BAN-Prin Payment	\$600,000.00
Increase EH-845.9730.700 BAN-Int Payment	0.04

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Nursing Home Controller, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

## Resolution No. 168

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING FILING OF A “CERTIFICATE OF WITHDRAWAL”,  
“CERTIFICATE OF CANCELLATION” AND “CERTIFICATE OF PROSPECTIVE  
CANCELLATION” RELATIVE TO CERTAIN PROPERTIES WITH  
ENVIRONMENTAL HAZARDS (COUNTY TREASURER)

WHEREAS, the County Treasurer has reviewed certain delinquent tax parcels in the Village of Broadalbin and has provided an opinion that said parcels should not be foreclosed upon due to existing environmental concerns and should be withdrawn from any tax foreclosure proceedings; and

WHEREAS, in order to protect the County from environmental and/or financial liability related to said parcels, the County Treasurer recommends that appropriate "Certificate of Withdrawal", "Certificate of Cancellation" and "Certificate of Prospective Cancellation" be filed in the Court of appropriate jurisdiction; now, therefore be it

RESOLVED, That upon the recommendation of the County Treasurer and Committee on Finance, the County Treasurer be and hereby is directed to file a "Certificate of Withdrawal", "Certificate of Cancellation" and "Certificate of Prospective Cancellation" with the Real Property Tax Services Agency Director, County Clerk and Village of Broadalbin Assessor's Office for two (2) parcels in the Village of Broadalbin, assessed to Texas Torah Institute, as follows:

<u>2012</u>	<u>137.15-3-6.2</u>	<u>137.16-2-14</u>
County	\$ 416.75	\$ 4,053.06
Village	143.52	1,584.75
School	627.12	6,075.17
Town	28.48	275.90
 <u>2011</u>		
County	559.24	\$ 5,703.89
Village	140.78	3,244.40
School	594.79	5,762.06
Town	28.80	279.00
 <u>2010</u>		
County	745.40	\$ 12,764.70
Village	76.83	2,425.61
School	518.63	11,353.90
Town	28.80	630.50

**Resolution No. 168 (Continued)**

<u>2009</u>		
County	542.70	\$ 10,907.07
Village	-	-
School	-	-
Town	<u>28.80</u>	<u>855.00</u>
Total	\$ 4,480.64	\$ 65,915.01

and, be it further

RESOLVED, That the County Attorney and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Real Property Tax Services Agency, County Clerk, Village of Broadalbin Assessor, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)

**Resolution No. 169**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS**

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-505-6010.113 DSS-Central Assessment

To: A-505-6010.112 DSS-Services Unit

Sum: \$32,937.00

and, be further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-2770.000 Other \$ 240.00

Appropriation Account:

Increase A-305-3110.200 Sheriff Dept-Equipment \$ 240.00

Increase A-081-0599.000 Appropriated Fund Balance \$3,294.00

Revenue Account:

Decrease A-083-3610.000 DSS Administration \$3,294.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)



**Resolution No. 170**

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF TWO PATROL VEHICLES  
FOR USE IN THE SHERIFF'S DEPARTMENT (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies two (2) patrol cars for use in the Sheriff's Department; and

WHEREAS, police vehicles are not available under New York State OGS contract; and

WHEREAS, Ontario County sought bids for patrol cars and awarded contracts for several different vehicle models, with a clause extending prices to all political subdivisions and districts located in New York State; and

WHEREAS, the Sheriff desires to purchase two (2) Dodge Chargers, available through Main Motorcar, of Johnstown, NY, who was successfully awarded a bid by Ontario County; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to purchase two (2) patrol cars (Dodge Charger LDDE48-Unmarked Sedan) from Main Motorcar, Johnstown, NY, at a base bid price of \$21,880.00, as identified in the bid award (Specification B12000) by Ontario County; and, be it further

RESOLVED, That the final purchase price of said vehicles, including purchase and installation of light bars and security accessories, shall not exceed \$30,215.00 per unit; and, be it further

RESOLVED, That said cost be a charge against A-305-3110.201 Sheriff Dept-Capital; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Main Motorcar, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors DiGiacomo, Kinowski and Ottuso)